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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)
12 Plaintiff,) CR. NO. S-04-096 DFL
13 v.) ORDER RE DEFENDANTS'
14 MIGUEL CAMPOS LOPEZ et al,) MOTION TO REVEAL GOVERNMENT
15 Defendants.) INFORMANTS
16)
_____)

17 In the week of March 28 and in the week of April 11, 2005, in
18 two *in camera* sealed proceedings, the court took testimony regarding
19 the defendants' motion to reveal the government's informants in the
20 captioned action. The government was represented by Assistant U.S.
21 Attorney Mary L. Grad.

22 The court heard from the individual denominated as the
23 informant in the sealed portion of the search warrant in this case.
24 The court also heard testimony from another individual who was the
25 actual source of much of the information that the informant supplied
26 to law enforcement during the investigation.

27 After listening to the testimony and considering the argument
28 of government counsel in the case, the court finds that neither the

1 informant or the source of the informant's information possess any
2 information that would be exculpatory to any defendant in this case,
3 or material to the structuring of a defense for any defendant or
4 even helpful to any defense in this case. Moreover, the court
5 finds that most, if not all, of the information possessed by the
6 informant and his source of information is inculpatory and, to the
7 extent that it is not inculpatory, it is neutral.

8 The court further finds that the government has made an
9 adequate showing that both witnesses (the informant and his source
10 of information) would be subject to threat and potential harm if
11 either of their names were revealed. The court also relies heavily
12 on the testimony of agent Nick Garcia who testified at the
13 proceeding and finds that it appears nearly impossible for law
14 enforcement to penetrate organizations that manufacture
15 methamphetamine through the use of undercover agents.

16 Therefore, the court finds that under the balancing test in
17 Roviaro v. United States, 353 U.S. 53 (1957), the informant and his
18 source of information should not be disclosed.

19
20 SO ORDERED.

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22 DATED: April 26, 2005

23 /s/ David F. Levi
DAVID F. LEVI
United States District Judge
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